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W.P.(MD)NO.16500 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.16500 of 2020 and

W.M.P. (MD)No.13791 of 2020

U.Ulaganayaki

... Petitioner

Vs.

1. The Vice Chancellor,
Gandhigram Rural Institute,
(Deemed to be University),
Gandhigram - 624 302,
Dindigul District.

2. The Registrar,
Gandhigram Rural Institute,
(Deemed to be University),
Gandhigram - 624 302,
Dindigul District.

3. The Head of Department,
Department of Rural Health and Development Studies,
Gandhigram Rural Institute,
(Deemed to be University),
Gandhigram - 624 302,
Dindigul District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned letter in Ref:CRH/PGDSI/2010-21 dated 09.10.2020 on the file of the respondent No.3 and quash the same as illegal and consequently for a direction, directing the respondents to grant admission to the petitioner in the PGDSI programme within the time period stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For R-1 to R-3	: Mr.MA.P.Thangavel

* * *

**ORDER**

Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the respondent University.

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2. The petitioner applied for the course of Post Graduate Diploma in Sanitary Inspector in the respondent University. The petitioner applied under the OBC category. The petitioner was originally allotted a seat. But it was cancelled by the impugned communication dated 09.10.2020. The same is under challenge in this writ petition.

3. In the impugned communication, the respondent University has stated that even though the petitioner had scored only 77.58%, she had projected as if she had got 90.40%. The learned counsel appearing for the petitioner states that the figure 90.40% indicates her Cumulative Grade Point Average(CGPA). Since the petitioner was under the erroneous impression, I felt that she should not be denied admission on this ground and called upon the learned Standing counsel to get instructions as to whether those who had got lower marks than her had been admitted and whether there are any vacant seats still available. The case was adjourned to enable the learned Standing counsel to get instructions.

4. Today, when the matter was taken up for disposal, the learned Standing counsel informs this Court that the total number of seats allotted for the current academic year was only 60. No supernumerary seats have been created. He would state that all the 60 seats have been filled up. He would also state that the cut-off marks for the OBC category candidates is 82%. Those who come under special category such as sports quota etc., had been given seats even they have scored lower marks. In other words, no similarly placed candidates who got lower marks have been given seats. This submission made by the learned Standing counsel is placed on record.

5. Therefore, even though this Court directed not to put the ground projected in the impugned order against the petitioner, it is seen that the petitioner has not been discriminated. The petitioner could have got relief only if she could demonstrate that a similarly placed candidate who scored lower marks was given admission. No such material has been placed before me. In any event, in order to ensure transparency, I direct the respondent University to publish the selection list at the earliest. The selection list will contain the names of the 60 selected candidates, marks scored by them and the category to which they belong. The respondent University will refund the fees already paid by the petitioner along with her original records. I make it clear that denial of admission for the current year for the reasons set out in the impugned communication will not be put against the petitioner in future for any reason.



6. With this direction, this writ petition stands disposed of. No costs.

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Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pmu

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Vice Chancellor,
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(Deemed to be University),
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Gandhigram Rural Institute,
(Deemed to be University),
Gandhigram - 624 302,
Dindigul District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-896[F] dated 18/01/2021)

W.P. (MD) No.16500 of 2020
11.01.2021

MJ(CO)
KK(01.02.2021) 3P 5C